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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,939	11/13/2003	Samuel Zellner	030392 (BLL-0126)	4821

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Philmore H. Colburn II
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002

EXAMINER	
SHEDRICK, CHARLES TERRELL	
ART UNIT	**PAPER NUMBER**
2687	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,939	ZELLNER, SAMUEL	
	Examiner	Art Unit	
	Charles Shedrick	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-20** are rejected under 35 U.S.C. 102(e) as being anticipated by **Urban et al. Pub. No. US 2004/0209605**

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Consider **claim 1**, Urban et al. clearly discloses a method for transmitting enhanced originator information over a communication network (**Abstract**), receiving information elements selected by an originator terminal from a database (**paragraph 0039**), said retrieving based upon at least one of a service plan (i.e., a subscriber that subscribes to a service)(**paragraph 0046**) and a terminal capability associated with a recipient terminal (**paragraph 0038**); and transmitting a communication including said information elements to said recipient terminal prior to establishing a communication session with said recipient terminal

(i.e., the caller ID messaging is transmitted similar to caller ID in which happens prior to the user answer the phone or during a call with call-waiting caller-id)(**paragraphs 0012 and 0052**); Wherein said transmitting is conducted over at least one of : an IP network, a PSTN, a WLAN, a wireless network, a cable network a fiber optic network, a video network, and a satellite network (**paragraphs 0013 and 0045**).

Consider **claim 2 and as applied to claim 1 above**, Urban et al. clearly discloses a method wherein said terminal capability relates to at least one of a: terminal device type including at least one of: a personal computer, a network computer, a wireless mobile telephone, a wireless mobile computer device, a facsimile, a network appliance, and a wire-line telephone, and terminal device technology features including at least one of: binary-based caller-identification feature; and graphical features (**paragraphs 0038,0047, and claim13**).

Consider **claim 3 and as applied to claim 2 above**, Urban et al. clearly discloses a method wherein said information elements includes at least one of: font and character style capabilities; a logo; an image; audio; multi-media; animation; VPIM; a uniform resource locator; a physical location address; video; an alerting tone; and advertising material (**Abstract, paragraph 0050 and claim 16**).

Consider **claim 4 and as applied to claim 1 above**, Urban et al. clearly discloses a method wherein said communication comprises at least one of: Voice; Data; Video; Messaging; Instant Messaging; and Paging (**Paragraphs 0012, 0038,0050).**

Consider **claim 5 and as applied to claim 1 above**, Urban et al. clearly discloses a method wherein said communication including said information elements are generated by said communications network (**paragraphs 0013 and 0045**).

Consider **claim 6 and as applied to claim 1 above**, Urban et al. clearly discloses a method wherein said communication network includes at least one of: a circuit-switched network; a packet-switched network; a wireless network; an asynchronous transfer mode network; and a Multiprotocol Label Switching (MPLS) (**Paragraph 0045**).

Consider **claim 7 and as applied to claim 1 above**, Urban et al. clearly discloses a method wherein said service plans (i.e., subscriber data) are stored in a service profile database (**paragraph 0014**), said plans stored in a dual format operable for accommodating both graphically-enabled caller identification devices and caller identification devices that are not graphically enabled (**paragraphs 0059-0061 and figures 18 –20**).

Consider **claim 8**, Urban et al. clearly discloses a storage medium **216** (**figure 2**), **718** (**figures 7-9,15 and 17**), including a machine- readable computer program code **214** (**figure 2**) for transmitting enhanced originator information over a communication network (**paragraphs 0038-0040**), said storage medium including instructions for causing a server to implements a method comprising:

Receiving information elements selected by an originator terminal from a database, (**paragraph 0039**), said retrieving based upon at least one of a service plan (i.e., a subscriber that subscribes to a service)(**paragraph 0046**) and a terminal capability associated with a recipient terminal (**paragraph 0038**); and transmitting a communication including said information elements to said recipient terminal prior to establishing a communication session with said recipient terminal (i.e., the caller ID messaging is transmitted similar to caller ID in which happens prior to the user answer the phone or during a call with call-waiting caller-id)(**paragraphs 0012 and 0052**); Wherein said transmitting is conducted over at least one of :

an IP network, a PSTN, a WLAN, a wireless network, a cable network a fiber optic network, a video network, and a satellite network (**paragraphs 0013 and 0045**).

Consider **claim 9 and as applied to claim 8 above**, Urban et al. clearly discloses a storage medium wherein said terminal capability relates to at least one of a: terminal device type including at least one of: a personal computer, a network computer, a wireless mobile telephone, a wireless mobile computer device, a facsimile, a network appliance, and a wire-line telephone, and terminal device technology features including at least one of: binary-based caller-identification feature; and graphical features (**paragraphs 0038,0047, and claim13**).

Consider **claim 10 and as applied to claim 8 above**, Urban et al. clearly discloses a storage medium wherein said information elements includes at least one of: font and character style capabilities; a logo; an image; audio; multi-media; animation; VPIM; a uniform resource locator; a physical location address; video; an alerting tone; and advertising material (**Abstract, paragraph 0050 and claim 16**).

Consider **claim 11 and as applied to claim 8 above**, Urban et al. clearly discloses a storage medium wherein said communication comprises at least one of: Voice; Data; Video; Messaging; Instant Messaging; and Paging (**Paragraphs 0012, 0038,0050).**

Consider **claim 12 and as applied to claim 8 above**, Urban et al. clearly discloses a storage medium wherein said communication including said information elements are generated by said communications network (**paragraphs 0013 and 0045**).

Consider **claim 13 and as applied to claim 8 above**, Urban et al. clearly discloses a storage medium wherein said communication network includes at least one of: a circuit-switched

network; a packet-switched network; a wireless network; an asynchronous transfer mode network; and a Multi-protocol Label Switching (MPLS) (**Paragraph 0045**).

Consider **claim 14 and as applied to claim 8 above**, Urban et al. clearly discloses a storage medium wherein said service plans (i.e., subscriber data) are stored in a service profile database (**paragraph 0014**), said plans stored in a dual format operable for accommodating both graphically-enabled caller identification devices and caller identification devices that are not graphically enabled (**paragraphs 0059-0061 and figures 18 –20**).

Consider **claim 15**, Urban et al. clearly discloses a system **100** (**figure 1**) for transmitting enhanced originator information over a communication network **120** (**figure 1**) comprising:

A caller identification-enabled recipient terminal **130** (**figure 1**), said recipient terminal operating over a communication network via a service provider **750** (**figures 7,8,9,and 15**);

An originator terminal **110** (**figure 1**) operating over a communication network **120** (**figure 1**) via a service provider (**figures 7,8,9,and 15);**

An originator communications information database **718** (**figures 7,8,9,and 15**);

An originator identification system **200** (**figure 1**) executing over said communications network **120**(**figure 1**), said originator identification system performing:

receiving information elements selected by an originator terminal from a database (**paragraph 0039**), said retrieving based upon at least one of a service plan (i.e., a subscriber that subscribes to a service)(**paragraph 0046**) and a terminal capability associated with a recipient terminal (**paragraph 0038**); and transmitting a communication including said information elements to said recipient terminal prior to establishing a communication session with said recipient terminal (i.e., the caller ID messaging is transmitted similar to caller ID in which

happens prior to the user answer the phone or during a call with call-waiting caller-id)(**paragraphs 0012 and 0052**); Wherein said transmitting is conducted over at least one of : an IP network, a PSTN, a WLAN, a wireless network, a cable network a fiber optic network, a video network, and a satellite network (**paragraphs 0013 and 0045**).

Consider **claim 16 and as applied to claim 15 above**, Urban et al. clearly discloses a system comprising a service profile database **719 (figures 7,8,9,and 15)** operable for storing at least one of a services plan (i.e., subscriber) and relates to at least one of a terminal capabilities: said terminal capabilities relating to at least one of a: terminal device type including at least one of: a personal computer, a network computer, a wireless mobile telephone, a wireless mobile computer device, a facsimile, a network appliance, and a wire-line telephone, and terminal device technology features including at least one of: binary-based caller-identification feature; and graphical features (**paragraphs 0038,0047, and claim13**).

Consider **claim 17 and as applied to claim 15 above**, Urban et al. clearly discloses a system wherein said information elements includes at least one of: font and character style capabilities; a logo; an image; audio; multi-media; animation; VPIM; a uniform resource locator; a physical location address; video; an alerting tone; and advertising material (**Abstract, paragraph 0050 and claim 16**).

Consider **claim 18 and as applied to claim 15 above**, Urban et al. clearly discloses a system wherein said communication comprises at least one of: Voice; Data; Video; Messaging; Instant Messaging; and Paging (**Paragraphs 0012, 0038,0050).**

Consider **claim 19 and as applied to claim 15 above**, Urban et al. clearly discloses a system wherein said communication network includes at least one of: a circuit-switched network;

a packet-switched network; a wireless network; an asynchronous transfer mode network; and a Multi-protocol Label Switching (MPLS) (**Paragraph 0045**).

Consider **claim 20**, Urban et al. clearly discloses a Terminal device **130 (figure 1)**, for transmitting enhanced originator information over a communication network **120 (figure 1)** comprising:

An originator identification system **200 (figure)** in communication with said terminal device, said terminal device operating over a communication network 120 (figure 1) via a service provider **750 (figures 7,8,9,and 15);** and

A link to an originator communication information database **718 (figures 7,8,9,and 15);**

wherein said information terminal device receives information associated with an originator of a communication **130 (figure 1)**, said information including information elements comprising at least one of: font and character style capabilities; a logo; an image; audio; multi-media; animation; VPIM; a uniform resource locator; a physical location address; video; an alerting tone; and advertising material (**Abstract, paragraph 0050 and claim 16**).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Koch Pub No.US 20050073999 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick
Art Unit 2687
August 17 2005

8/18/05

LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER